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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/020,948

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Shuji Otsuka

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08/25/2005

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EXAMINER

PEACHES, RANDY

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,948	OTSUKA ET AL.	
	Examiner	Art Unit	
	Randy Peaches	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-9*** are rejected under 35 U.S.C. 102(e) as being anticipated by Obradovich (U.S. Patent Number 6,525,768 B2).

Regarding ***claim 1***, Obradovich discloses a personal communication device (PCD), hereinafter referenced as "device", which reads on claimed "portable communication device", comprising:

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- digital camera, which reads on claimed "image pick-up device." See column 23 lines 5-25;
- a GPS receiver (243), which reads on claimed "location data receiving means", for receiving reference location data from a plurality of location base stations provided on satellites and/or the ground. See column 7 lines 24-25.
- a GPS engine (53), which reads on claimed "location detection means" for detecting location information indicating a location of the device based on the reference location data received by the location data receiving means. See column 8 lines 40-45.
- information input means for inputting identifying information of a third party, which reads on claimed "communication terminal device", e.g. cell cite location (see column 24 lines 29-32), to which the location information is to be transmitted. See columns 4 and 25 lines 15-26 lines 18-27, respectively.
- send key (27B) to be manipulated when the location information is transmitted to the communication terminal device. See column 25 and 14 lines 18-27 lines 19-20, respectively, and
- a universal converter (see column 8 lines 46-54), which reads on claimed "transmitting means" for converting the location information detected by the location detection means to a radio signal and transmitting the radio signal to the communication terminal device having the inputted identifying information (see columns 24 and 8 lines 7-12 lines 46-54) via a switching office of the telephone line network, when the transmitting key is manipulated. See column 24 lines 3-

15. In addition, Obradovich teaches in column 13 lines 43-47 wherein information is transmitted from the said PCD to a data provider. Obradovich, discloses in column 2 lines 55-62, of a transceiver capable of transmitting information or digital images.

Regarding **claim 2**, according to **claim 1**, Obradovich further teaches of when the send key (27B) is manipulated, the transmitting means converts to a radio signal notification information that a location indicated by the location information is a present location of the user to transmit the radio signal to the communication terminal device having the inputted identifying information via the switching office of the telephone line network. See columns 10 and 28 lines 46-52 lines 24-34 lines 43-53, respectively.

Regarding **claim 4**, according to **claim 1**, Obradovich further teaches wherein the said GPS engine comprises:

- information storage means for storing therein a plurality of items of location information including map information and/or address information. See column 10 lines 29-32, and
- information extraction means for extracting one item of location information indicating the location of the portable communication device out of the plurality of items of location information based on the reference location data received. See column 10 lines 29-39.

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Regarding **claim 5**, according to **claim 1**, Obradovich further teaches:

- one or more displays for showing information. See FIGURE 2,
- an image pickup key to be manipulated when the image is photographed. See column 23 lines 12-19, and
- transmit display-processing means for showing on the one or more displays the detected location information and the image photographed by the image pickup device when the image pickup key is manipulated. See column 4 lines 11-27.

Regarding **claim 6**, according to **claim 5**, Obradovich further teaches wherein:

- device is equipped with two displays. See FIGURE 11.
- the transmit display processing means has the detected location information shown on one display, and has the image photographed by the said digital camera (1208) shown on the other display. See columns 11 and 12 lines 53-57 lines 1-19, respectively.

Regarding **claim 7**, according to **claim 5**, Obradovich further teaches wherein:

- each item of location information includes map information at least. See columns 11 and 12 lines 53-57 lines 1-19, respectively, and
- the transmit display processing means has the location of the device shown to be superposed on the map information shown on the one or more displays. See column 12 lines 15-19 and FIGURE 11.

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Regarding **claims 8 and 9**, according to **claims 5 and 6**, Obradovich further teaches:

- radio signal receiving means for receiving a radio signal from the switching office of the telephone line network. See column 12 lines 1-11, and
- receiving display processing means for showing on one or more displays the location information constituting the radio signal received by the radio signal receiving means and the image having image data constituting the radio signal. See column 12 lines 12-19.

Response to Arguments

Applicant's arguments filed 5/25/2005 have been fully considered but they are not persuasive.

Regarding the Applicant's amended language in claim 1 to include an image pick up device. Obradovich clearly teaches in column 23 lines 5-25 of a digital camera being incorporated to take images of the geographic environment surrounding the said PCD. According, the Examiner's must rely on the claimed subject matter as the bases of the limitation regarding the instant invention. Therefore, the Applicant's argument that the information (image) is sent to a party to allow the individual to determine the sender's locale, is not included in the Applicant's claimed language according to claim 1. Therefore, based on the claim on, Obradovich clearly discloses of an image pick up device.

Secondly, regarding the failure of Obradovich to distinctly disclose of a transmission means, the Examiner disagrees. In column 2 lines 55-62, Obradovich

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discloses of the device containing a transceiver, capable of sending and receiving data (images).

Therefore, based on the above Office action and the Examiner's remarks, claims 1-2, 4-9 stand rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
August 21, 2005


CHARLES APPIAH
PRIMARY EXAMINER